

Award No. 5084

Docket No. CL-5242

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES**

THE PITTSBURGH & WEST VIRGINIA RAILWAY COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(a) The Carrier is violating the provisions of the Rules Agreement effective March 1, 1944, particularly the Scope, Rule 26 and Rule 34, by using Yard Masters to perform the assigned duties of clerical employees, Rook, Pa.

(b) Four positions of Checker (Clerk) be re-established, one on each track, plus a relief position, which positions were abolished effective October 5, 1949.

(c) Clerks, Paul Strang, C. R. Price, R. K. McCarthy and Eli Thomas be allowed a day's pay, each, from October 5, 1949 as a penalty until March 14, 1950 for Clerk Thomas, and until April 24, 1950 for the others, on which dates the violation ceased.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the carrier and the employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the complainant party; and

That hearing thereon has been held but not concluded. Under date of October 23, 1950, the complainant party addressed a formal communication to the Acting Secretary of the Third Division requesting withdrawal of this case from further consideration by the Division, which request is hereby granted.

AWARD

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 26th day of October, 1950.